

REMARKS

This application is believed to be in condition for allowance at the time of the next Official Action.

The Official Action rejects claims 1-14 under 35 USC §103(a) as being unpatentable over DRUCKENMILER et al. in view of GUCK. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons.

The Official Action characterizes the DRUCKENMILLER et al. reference as disclosing a system for generating email subscription address lists that uses a unique token for each address and verification messages. The Official Action offers the GUCK reference as disclosing a content server and object database that supports a multiplicity of resource objects for users.

The DRUCKENMILLER et al. patent describes what it refers to as a "Double Opt-In" process, in which an individual can register on lists by email in order to be able to obtain advertising or other information on certain subject areas of interest to the individual by email. The information desired by the various individuals is therefore selectively made available to them via email. This is designed to prevent bombardment of private parties with unwanted information by email, generally referred to as "spam".

According to the process described by DRUCKENMILLER et al., an individual can notify an information distributor by email of areas of interest, in connection with which the individual would like to receive offers, advertising, or other information by email. To prevent abuse, DRUCKENMILLER et al. proposes sending a verification email to the notifying individual with the request to confirm registration on the identified lists. The verification email contains a unique character sequence.

If the requesting individual answers the certification email with a responsive email including the unique character sequence, that individual is registered on the desired lists and becomes a subscriber. From that time on, the subscriber receives the desired information by email. If the verification email is not confirmed, registration on the lists does not take place. The requesting individual is granted a period of roughly 15 days to answer the certification email.

The process described by DRUCKENMILLER et al. therefore uses a unique character sequence to ensure that a private individual receives only those emails that have been requested. Therefore, as to the information in the various types of email under consideration in the DRUCKENMILLER et al. approach, there exist two general options: the information is available to nobody (in the absence of any validated opt-in), or the information is available to only those individuals who have opted in. Under no condition does the DRUCKENMILLER et al. scheme make the

information in the emails available to the general internet public.

In contrast, the present invention is directed at making information originating from an information provider accessible to anyone, for example by way of an Internet page. The present process ensures that the information that is made generally available is always up-to-date. An information provider who would like to maintain the public accessibility of the information via a service provider must therefore notify the service provider within a certain time interval that he is still interested in the having the information accessible to the broad public. The information provider does this by communicating an identification code to the service provider.

Therefore an important difference between the process described by DRUCKENMILLER et al. and the process in claim 1 consists in the public accessibility of the information. In the case of the process described by DRUCKENMILLER et al., the information of a private party transmitted to an information distributor is used only for distribution of information by email to the private party himself and is intended for internal use of the information distributor. In the present process, the information transmitted to the service provider is intended to be kept retrievable for the broad public for a certain time. The publication of information originating from private parties is neither part of the process described by DRUCKENMILLER et al. nor

is it intended. The DRUCKENMILLER method controls who has access to information. The present method determines whether access is available to everyone or no one.

The secondary GUCK discloses a system in which several computers of clients which use different transmission protocols for transmission of data files of different data formats over a network are connected to a server module 50. Furthermore, fax machines and telephones are connected to the server module 50.

The object of the GUCK approach is to be able, using the server module 50, to transmit to all computers of the clients and to the telephones and faxes data files with different data formats which have been transmitted with different transmission protocols to the server module by automatic conversion such that the receiving computer, the receiving telephone and the receiving fax can reproduce the data in a usable manner. For this purpose the server module 50 has conversion programs which convert files into the desired data format without the awareness of the client who is requesting a certain file (compare column 3, lines 24 to 60 and column 4, lines 32 to column 5, line 9). According to the teaching of GUCK, files transmitted to the server module are stored in so-called "virtual files" or "virtual messages", the virtual files or virtual messages containing additional information on the source files and messages (compare column 4, lines 3 to 31).

Applicant acknowledges that the files are made publicly accessible and can be retrieved by anyone, for example, over the Internet. Furthermore, messages can be provided with an ID in order to find them easily, as is mentioned in column 8, lines 23 to 27, to which the examiner has referred.

The examiner states at this point that in view of this disclosure of GUCK it was obvious to modify the process described by DRUCKENMILLER et al. in the direction of the process of our claims 1 and 11. This represents a hindsight combination of features taken from DRUCKENMILLER et al. and GUCK in order to arrive at the process of our claims 1 and 11, without attention to the problems actually treated by DRUCKENMILLER et al. and GUCK and the teachings of such references that underlie these features.

As noted above, the process described by DRUCKENMILLER et al. is based on the fact that a private individual by Email can register on lists in order to be able to obtain advertising or other information by Email on certain topical areas which are of interest to the private individual. To prevent abuse here, DRUCKENMILLER et al. proposes that a private individual must answer a verification Email received beforehand by the private individual with indication of a unique character string in order to register on the desired lists. The private individual has roughly 15 days to answer the Email.

Notwithstanding the teaching of GUCK that the information originating from clients can be made publicly

accessible over a network, the private individual to whom the DRUCKENMILLER et al. device is directed would clearly have no interest in the information he provides being made publicly accessible in any way. If he were, all the effort described by DRUCKENMILLER et al. with the verification Email would be senseless. The private individual could then directly register on the publicly accessible lists.

With respect to public accessibility, it is unreasonable to combine the teachings of DRUCKENMILLER et al. and GUCK with one another, since, as already mentioned, this would mean that the information originating from the private individual would be made publicly accessible. This is supposed to be expressly avoided according to the teaching of DRUCKENMILLER et al.

The use of the identacode also fails to support the obviousness of the present invention as recited. It follows neither from DRUCKENMILLER et al. nor from GUCK to ensure using an identacode that publicly accessible information is still current. DRUCKENMILLER et al. describes the use of a unique character string in order to prevent abuse in requesting information. GUCK describes how information can be made publicly accessible and that a file can be identified via an ID. A process based on the identacode according to which information which has been made publicly accessible is erased, if within a time interval the identacode is not transmitted to the service provider, cannot be taken either from DRUCKENMILLER et al. or GUCK anywhere. Nor does

it follow from the verification Email of the process described in DRUCKENMILLER et al. which is provided with an identacode, in which it is only a matter of ensuring that the desired registration on the aforementioned lists has in fact been given by the client who desired acceptance onto the lists with a first Email.

In summary, it therefore remains to be established that it is disclosed in DRUCKENMILLER et al. that a user who would like to obtain certain information from an information provider must send back an answer email with an identacode to a verification email of the information provided in order to prevent abuse of data.

GUCK discloses essentially a communications system with which the users are enabled to make information publicly accessible.

Neither DRUCKENMILLER et al. nor GUCK examine the problem of keeping as current as possible the information which is made available by a service provider, which can be retrieved over a communications network, and which originates or can originate from different information providers. In particular, there are no stimuli to make additional public accessibility of information dependent on prompt transmission of an identacode by the information provider and to erase the publicly accessible information when the identacode is not transmitted at the proper time in order to guarantee that the information is current.

Thus, the publicly accessible files described by GUCK are not checked for being current. Therefore, in the server module 50 of GUCK a large number of files can be collected which no one needs anymore.

In light of the analysis provided above, applicant believes that the present application is in condition for allowance, and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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